IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2253 OF 2006

Neville Cyrus Poonawala & ors. ... Petitioners

V/s.

Administrator General, Maharashtra State & Ors. ... Respondents

Mr. S.K. Cooper with Ms. Periera i/b. Mulla & Mulla & C.B. & Caroe for petitioners.
Mr. C.J. Sawant, Sr. Counsel with Mr. K.J. Hakani for respondent No.1.
Mr. Aspi Chinoy, Sr. Counsel with Mr. P.k. Shroff, Mr. Subodh Joshi, Ms. Radhika Kalpatrai & Ms. Prachi Khandge i/b. Parimal K. Shroff & Co. for respondent No. 2.
Mr. D. Zariwala, Sr. Counsel with Mr. Niranjan Lopaski i/b. Niranjan & Co. for respondent Nos. 3 to 5.

CORAM : F.I. REBELLO &
ANOOP V. MOHTA,JJ.
DATED : 29th September, 2006

P.C.

. Rule. Heard forthwith.

2. The petitioners have moved this Court against the order of respondent No. 1 dated 11th August, 2006 which is purported to have passed under the provisions of Section 30 of the Administrators-General Act 1963, hereinafter referred to as "the Act". We do not propose to go into merits of this petition and the legality of the order passed by respondent No. 1 considering the subsequent events that have came on record. Primafacie material which has been placed by

the petitioners indicates that estate of deceased Bejan D. Bharucha was more than Rs 10 lacs. Once that be the case, provisions of Section 29 and 30 of the Act would not be applicable and what would be applicable are the provisions of Section 9 of the Act. Considering the subsequent events, impugned order would no longer survive and consequently it is quashed. However, it will be open to the respondent No. 1 to move this Court considering the provisions of Section 9 and 10 of the Act, if said provisions are applicable to the facts of the present case.

3. Rule made absolute. No order as to costs.

4. On behalf of respondent No. 1, the learned counsel makes statement that they are moving this Court and they will issue notices to other parties of the proceeding.

[F.I. REBELLO, J.]

[ANOOP V. MOHTA, J.]